THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.6582 OF 2005

Dated: 18-11-2005

Between

B. Narayana Reddy, S/o. B. Venkata Reddy, R/o. H.No.76-17-480, Urmila Subba Rao Nagar, Bhavanipuram, Vijayawada, Krishna District.

...PETITIONER

AND

The Railway Police Superintendent, Vijayawada and others.

...RSEPONDENTS

ORDER:

This writ petition is filed seeking a Writ of Mandamus to declare the action of the respondents in not transferring the case in CR.No.265 of 2004 of Government Railway Police Station, Vijayawada, to the local Police Station having jurisdiction as illegal and arbitrary and consequently direct the respondents to transfer the case to I Town or II Town Police Station, Vijayawada, Krishna District having jurisdiction.

It is the case of the petitioner that his son B. Sreenivas Reddy, who was working in Iron shop in Vijayawada, was taken away from his house on 29.12.2004 at about 10.30 PM by one Shaik Chandu on his cycle and his son did return to the house. On the next day i.e. 30.12.2004 Railway Police came to his house and informed him that his son was in the hospital. When they went to the hospital the railway police informed that his son committed suicide. But it is the case of the petitioner that his son was murdered.

Petitioner submits that even the postmortem report goes to show that there are eleven injuries which are ante-mortem in nature; several lacerated injuries, abrasions on the left shoulder, back of chest and back of abdomen, multiple abrasions on the left thigh and left hand, traumatic amputation of left lower limb below knee level and right leg above the ankle, fissured fracture on the left fronto parietal region of skull cap and multiple fractures of base of skull.

Therefore, it cannot be said that it is a case of suicide. In the circumstances, the petitioner has made several representations to the respondents.

Merely because the suicide note is found in the pocket of the deceased it cannot be said that it is a case of suicide. The railway police mainly based on the suicide note have come to the erroneous conclusion that it is a case of suicide but not a case of murder.

Counter has been filed stating that as per the order No.851(E), Vol.III of Part-I, Railway Police is empowered to transfer the case of murder to local police for investigation. It is further stated that the respondents have no objection for transferring the case to any concerned local police station.

Having regard to the facts and circumstances of the case,

the respondents are directed to transfer the case in Cr.No.265 of 2004 of Government Railway Police Station, Vijayawada to the I Town Police Station, Vijayawada for investigation and necessary action in accordance with law.

The writ petition is accordingly disposed of.

_____

V. ESWARAIAH, J

November 18, 2005

DSK